

SENATE, No. 422

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

SYNOPSIS

Prohibits municipal zoning ordinances from regulating solar panels under certain circumstances; limits fees for certain renewable energy installations.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning renewable energy and supplementing P.L.1975,
2 c.291 (C.40:55D-1 et seq.).

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. No governing body may adopt a zoning ordinance
8 regulating the installation on residential property of photovoltaic
9 solar energy systems when:

10 (1) in the case of a roof-mounted system, the photovoltaic solar
11 panels and all accessory equipment extend 12 inches or less beyond
12 the edge of the roofline or above the highest point of the roof
13 surface or structure; or

14 (2) in the case of a surface level or ground-mounted system, the
15 system consists of 10 or less photovoltaic solar panels and is
16 situated more than 50 feet from the nearest property boundary line.

17 b. A municipality may adopt an ordinance regulating the
18 installation on residential property of photovoltaic solar energy
19 systems that do not meet the standards established in subsection a.
20 of this section; however, nothing in this subsection shall preclude
21 an applicant from seeking a variance from any such ordinance.

22 c. As used in this section, “photovoltaic solar panel” means an
23 elevated panel or plate, or a canopy or array thereof, that captures
24 and converts solar radiation to produce power, and includes flat
25 plate, focusing solar connectors, or photovoltaic solar cells.

26
27 2. A municipal ordinance regulating the installation on
28 residential property of photovoltaic solar energy systems or small
29 wind energy systems shall not require payment of any fee that
30 exceeds the municipality's costs for reviewing and approving an
31 application pertaining to the installation or operation of a system.

32 As used in this section, "small wind energy system" shall have
33 the same meaning as set forth in section 1 of P.L.2009, c.244
34 (C.40:55D-66.12).

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36 3. This act shall take effect immediately.

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STATEMENT

41 This bill would supplement the “Municipal Land Use Law” to
42 prohibit a municipality from adopting an ordinance which limits the
43 right of a property owner to install solar panels on a residential
44 property under certain circumstances. A municipal ordinance
45 would not be authorized to regulate the installation of photovoltaic
46 solar energy systems when:

47 1) in the case of a roof mounted system, the panels, and all
48 accessory equipment, extend 12 inches or less beyond the edge of

1 the roofline or above the highest point of the roof surface or
2 structure; or

3 2) in the case of a surface level or ground mounted system, the
4 system consists of 10 or less photovoltaic panels and is situated
5 more than 50 feet from the nearest property boundary line.

6 Section 2 of the bill would provide that a municipal ordinance
7 regulating the installation of a photovoltaic solar energy system or
8 small wind energy system on residential property shall not require
9 payment of a fee that exceeds the municipality's costs for reviewing
10 and approving an application pertaining to the installation or
11 operation of a system. The purpose of section 2 of the bill is to
12 prevent municipalities from imposing excessive fees unrelated to
13 application and review costs because it is the State's policy to
14 encourage installation of photovoltaic solar energy systems
15 wherever possible in the State and to discourage actions that would
16 have a chilling effect on such installations.